IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9019 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAJENDRAKUMAR JAGANNATH BAROT

Versus

MEHSANA NAGARPALIKA

Appearance:

MR BS PATEL for Petitioner

None present for other Respondents

MR HARSHAD J SHAH for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/07/2000

ORAL JUDGEMENT

#. Challenge has been made by petitioner in this special civil application to the action of respondent No.1 to give vegetable market on lease to the respondent No.3, without following the procedure laid down under the

Gujarat Municipalities Act, 1963. Prayer has also been made for quashing and setting aside the Resolution No.249 dated 30th July 1998 of the respondent No.1 under which the aforesaid market has been given on lease to respondent No.3.

#. The learned counsel for respondent No.3 made a statement before this Court that the respondent No.3 is not interested to take this land on lease. He will not take this land on lease though this Resolution has been passed.

#. In view of the statement made by learned counsel for respondent No.3 that the respondent No.3 is not interested to take this land, now this action as well as the Resolution of respondent No.1 is no more of any force and automatically it stands cancelled. As a result of this statement, this special civil application succeeds and the same is allowed and the Resolution No.249 of the respondent No.1 dated 30.7.98 is quashed and set aside. Rule is made absolute. In the facts of this case, no order as to costs.

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(sunil)